

REMARKS

Claims 1-20 are pending in the current application and currently stand rejected. Reconsideration and allowance of the pending claims are respectfully requested in light of the following remarks.

Claim Rejections – 35 U.S.C. § 102

Claims 1-4, 7-8, 10-11, 14-17 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Pat 5,778,820 to Van der Lely et al. (“Van der Lely”). Applicants respectfully traverse this rejection for the reasons detailed below.

With regard to claim 1, the Examiner alleges that Van der Lely discloses each and every element of this claim, including “terminating said feeding of said milking animal at a non-final stage of said milking in order to secure that said milking animal has terminated to consume the feed when said milking is finished.” Applicants respectfully submit that any interpretation of this element requires that 1) food *consumption “has terminated” by the time milking terminates* and 2) that *feeding be correspondingly ended even earlier* to meet the first requirement. Van der Lely, however, teaches that *feeding continues up to or through milking termination*, such that *consumption may extend beyond milking*. See Van der Lely, Col. 1, ll. 56-61; Col. 6, ll. 46-49. Indeed, Van der Lely contemplates the situation where the animal does not finish consuming until after milking is completed. See Van der Lely, Col. 2, ll. 6-15 (“if the feeding period has not yet elapsed while the . . . milking . . . has already been finished.”). Such a scenario is forbidden by the plain language of claim 1, and thus Van der Lely does not meet the above-quoted element of that claim.

Because Van der Lely does not disclose each and every element of claim 1, Van der Lely cannot anticipate or render obvious that claim. Claim 14 recites apparatuses configured with

similarly unique elements over Van der Lely and is thus equally allowable over that reference. Claims 2-4, 7-8, 10-11, 15-17 and 20 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection under § 102(b) to claims 1-4, 7-8, 10-11, 14-17 and 20 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 5-6 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Van der Lely in view of US Pat 5,769,023 to Van der Lely et al. (“Van der Lely ‘023”). Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Van der Lely in view of US Pat 6,263,832 to Van der Berg (“Van der Berg”). Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Van der Lely in view of US Pat 6,543,381 to Birk et al. (“Birk”). Applicants respectfully traverse these rejections for the reasons detailed below.

None of Van der Lely ‘023, Van der Berg, and Birk teach, nor does the Examiner apply them for teaching, the missing elements of Van der Lely discussed above. Specifically, the secondary references do not disclose a method of feeding wherein food distribution is terminated at a time such that consumption terminates before milking terminates. Because Van der Lely, alone or in combination with Van der Lely ‘023, Van der Berg, and Birk, fails to teach or fairly suggest each and every element of claims 1 or 14, these references cannot anticipate or render obvious claims 1 or 14. Claims 5-6, 8-9, 12-13, and 18-19 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection under 35 U.S.C. § 103(a) to claims 5-6, 8-9, 12-13, and 18-19 is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-20 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

RA
JAC/REA: tlt